

EXHIBIT E

HENNING KAGERMANN September 25, 2008
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Page 1

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

-----x
ORACLE CORPORATION, a Delaware :
corporation; ORACLE USA, INC., :
a Colorado corporation; and :
ORACLE INTERNATIONAL :
CORPORATION, a California :
corporation, :
:
Plaintiffs, : No. 07-CV-1658
:
vs. : (PJH) (EDL)
:
SAP AG, a German corporation; :
SAP AMERICA INC., a Delaware :
corporation; TOMORROWNOW, INC., :
a Texas corporation; and DOES :
1-50, inclusive, :
:
Defendants. :
-----x

September 25, 2008
9:14 a.m.

HIGHLY CONFIDENTIAL
VOLUME 1

Videotaped Deposition of HENNING
KAGERMANN, held at the offices of BINGHAM
McCUTCHEN LLP, 399 Park Avenue, New York, New
York, before Frank J. Bas, a Registered
Professional Reporter and Notary Public of the
State of New York.

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16:16:21

25

Q. Do you agree with the conclusion

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16:16:22 2 here on Slide 8 that Oracle is a dangerous

16:16:25 3 competitor?

16:16:32 4 A. I agree, but I wouldn't use the word

16:16:46 5 "dangerous."

16:16:47 6 Q. What word would you use?

16:16:49 7 A. Our main competitor.

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1 HIGHLY CONFIDENTIAL - H. KAGERMANN

18:01:43 2 MR. HOWARD: Let's end for today.

18:01:46 3 THE VIDEO OPERATOR: Going off the

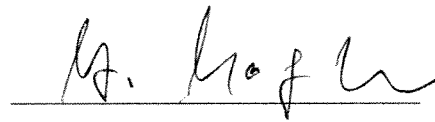
18:01:48 4 record at 6:02, and this will mark the end

18:01:50 5 of Tape Number 4.

18:01:54 6 (Time noted: 6:02 p.m.)

7

8



9

HENNING KAGERMANN

10

11 Subscribed and sworn to before me

12 this ____ day of ____, 2008.

13

18:02:02

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C E R T I F I C A T E

STATE OF NEW YORK)

: ss.

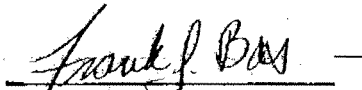
COUNTY OF NEW YORK)

I, FRANK J. BAS, a Notary Public
within and for the State of New York, do
hereby certify:

That HENNING KAGERMANN, the witness
whose deposition is hereinbefore set forth,
was duly sworn by me and that such
deposition is a true record of the
testimony given by the witness.

I further certify that I am not
related to any of the parties to this
action by blood or marriage, and that I am
in no way interested in the outcome of this
matter.

IN WITNESS WHEREOF, I have hereunto
set my hand this 29th day of September,
2008.


FRANK J. BAS, RDR